

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	Case No. CR-3-03-019
vs.	:	
	:	Judge Walter H. Rice
SCOTT A. FERGUSON,	:	
	:	<u>STATEMENT OF FACTS</u>
Defendant.	:	<u>SUBMITTED BY THE</u>
	:	<u>UNITED STATES</u>

Comes now the United States, by counsel, with the following Statement of Facts submitted to the Court for its consideration in conjunction with the anticipated defense plea of *Nolo Contendere* to be entered pursuant to Federal Rule of Criminal Procedure 11. It is the considered position of the United States that if this matter had proceeded to trial, it would have introduced into evidence matters that would have established beyond a reasonable doubt the following facts:

SPECIFIC FACTS RELEVANT TO COUNTS 1 & 2 OF THE INDICTMENT

Between on or about August 1, 1998 and August 10, 1998 the defendant SCOTT A. FERGUSON transported in interstate commerce a 1980 two-door Cadillac-Gage “Peacekeeper” Armored Car, bearing serial number 50169 and Air Force Registration Number 80C01116 from Middletown, Ohio to Tobyhanna, Pennsylvania. The defendant knowingly and intentionally stole this vehicle on or about July 1996 from the lawful possession of the United States Air Force Museum (hereinafter referred to as “USAFM”, located at Wright-Patterson Air Force

Base, Ohio, hereinafter referred to as “WPAFB” on or about July 1, 1996.

Between on or about July 1, 1996 and June 11, 1999 the defendant SCOTT A. FERGUSON wrongfully possessed and transported in interstate commerce from Middletown, Ohio to the States of Tennessee and Pennsylvania a 1980 two-door Cadillac-Gage “Peacekeeper” Armored Car bearing serial number 50169 and Air Force Registration Number 80C01116. On or about June 11, 1999, the defendant knowingly and willfully sold this motor vehicle.

GENERAL FACTS RELEVANT TO THE CASE

The defendant was initially hired as a civilian employee at the USAFM on or about June 23, 1988. He continued in this same capacity until eventually suspended by WPAFB command authorities on or about February 12, 2003 following the two-count indictment handed down by a federal grand jury in this case.

Between August 7-11, 1994, the defendant participated in a USAFM sponsored staff assistance team that visited Plattsburgh AFB NY, (hereinafter referred to as “PAFB”). The purpose of this visit was to search on-site historical USAF artifacts that might be worthy of shipment back to the USAFM at WAFB. PAFB had previously been identified for closure by Congress’s Base Re-Alignment and Closure Commission. During this visit, the defendant first observed a number of U.S. Air Force (hereinafter “USAF”) “Peacekeeper” armored vehicles at the base. Upon return to the USAFM, the defendant actively lobbied to have one of these “Peacekeeper” vehicles transferred to the USAFM and added to its collection.

In the early 1980s, the USAF acquired 571 of these vehicles from Cadillac-Gage Corp. of Warren, MI for a price of approximately \$30,532 each. These vehicles were eventually deployed world-wide for use by Air Force Security Police in support of their mission of

protecting nuclear weapons in storage, during convoy, and while loaded in weapon systems. Presently only two Peacekeepers remain in active service with the USAF. The balance of the fleet was either destroyed or transferred to use by civilian police forces. Defense Department regulations strictly restricted resale of such vehicles to only specifically authorized governmental entities. The official DoD per unit replacement cost for these vehicles is currently listed at \$230,720.00.

In part as a result of the defendant's efforts, On December 15, 1994, USAF "Peacekeeper" bearing manufacturer's serial number 50169, and Air Force Registration No. 80C01116 arrived at WPAFB via military airlift from Plattsburgh AFB. It was immediately turned over to USAFM officials and accessed into the USAFM's inventory.

On March 5, 1995, the defendant was appointed the USAFM's Chief of Collections. As such, he became personally responsible for supervising the USAFM's entire system of accession and de-accession files.

On or about June 28, 1996, the defendant requested permission from Richard Uppstrom and Charles Worman, the then Director and Curator respectively of the USAFM to purchase an ex-German "Kommando" armored vehicle for his personal collection. Permission was granted.

On July 5, 1996, the defendant fabricated an elaborate scheme to falsify multiple official USAFM de-accession documents concerning the museum's Peacekeeper. Specifically the defendant created a cover story that this Peacekeeper was to be transferred to the National Air Intelligence Center (NAIC) at WPAFB for a purported "restricted project." In support of this, the defendant forged an official hand receipt from a non-existing "Major Stevens" from the NAIC's command section. Instead of delivering the Peacekeeper to the NAIC, the defendant

drove the vehicle to a friend's off-base storage facility in Middletown, Ohio. The defendant's actions in effect "de-accessioned" the vehicle thereby deleting it from the USAFM's books. As a direct result of the defendant's actions, USAFM officials did not become aware of the vehicle's disappearance for approximately the next five years.

The vehicle would remain in this Middletown, OH storage facility until on or about August 6, 1996 when the defendant applied for an Ohio Certificate of Title and Registration in Butler County. The defendant presented to officials at the Butler County Clerk of Courts office and a false written bill of sale dated July 1, 1996 purportedly signed by a Elen M. Polorman of a German aircraft parts company named "Rhein-Flugzeubau, GmbH/HAR (American Division) of 1 Christopher Street, PHA, New York NY". This bill of sale indicated a purchase price of \$400 on a Cadillac-Gage "Peacekeeper" Armored Car, bearing serial number 50169. Analysis by the U.S. Army Crime Lab in Forest Park Georgia confirmed that it was typed on plain bond paper bearing an official U.S. Government watermark, with a signature personally forged by the defendant. The defendant lifted the "1 Christopher Street, PHA, New York NY" address from a USAFM accession file which actually concerned artifacts donated to the USAFM by the 88 year-old widow of the world famous arctic aviation pioneer Bernt Balchen, a member of the museum's Aviation Hall of Fame.

The defendant would transport this "Peacekeeper" to annual conventions of the Military Vehicle Preservation Association held in Memphis, TN on 9 July 1997 and in Tobyhanna, PA on 5-8 August 1998. Ultimately the defendant sold the vehicle for \$18,000 on June 11, 1999. On or about May 18, 2000 the vehicle was again resold to its present owner the Cherokee County, NC Sheriff's Department for \$38,000.

The offenses committed by the defendant involved more than minimal planning. The defendant relied on the use of sophisticated means to carry out both of the charged offenses. At all times relevant to this case, the defendant was employed in the supervisory position of Chief of Collections at the USAFM. In carrying out these offenses, the defendant specifically abused his position of public trust as the Chief of Collections. The defendant used both his special skills and detailed knowledge of the inner workings and operations of the United States Air Force Museum in a manner that significantly facilitated the commission and concealment of these criminal offenses. Both Middletown, Ohio and WPAFB are located within the geographical boundaries of the Southern District of Ohio.

Respectfully submitted,

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United States Attorney

/s/ Dwight K. Keller

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Statement of Facts was
electronically served on Lawrence J. Greger, Esq. this 11th day of August, 2004.

/s/ Dwight K. Keller

DWIGHT K. KELLER (0074533)
Assistant United States Attorney